

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

08-CR-54S

SHANE C. BUCZEK,

Defendant.

DECISION AND ORDER

This case was referred to the undersigned by the Hon. William M. Skretny, in accordance with 28 U.S.C. § 636(b)(1), for all pretrial matters and to hear and report upon dispositive motions. (Dkt. #17). The defendant, Shane C. Buczek (“the defendant”), is charged in a three count indictment with having violated Title 18, United States Code, Sections 1001(a)(2), 1542 and 1028(a)(4). The defendant has filed a “Petition for Work Release” (Dkt. #116) seeking the modification of the conditions of his release, *to wit*, home incarceration. Specifically, the defendant seeks an Order from this Court permitting him to work “for and with my family in the local area.” *Id.* at p.1. The government has filed its opposition to defendant’s “Petition for Work Release.” (Dkt. #125).

I have considered the information put forth by the defendant in support of his motion, as well as the opposition to said motion expressed by the government, and conclude that the defendant has not presented any new information sufficient to justify a reconsideration of this Court’s prior Order releasing the defendant with specific

enumerated conditions, including, but not limited to, electronic monitoring and home incarceration. As a result, the defendant's motion is hereby DENIED.

DATED: Buffalo, New York
July 24, 2009

s/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge